



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1762 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 2, 'Administration and Personnel,' of the Lodi Municipal Code by Adding Chapter 2.13 and 2.14 Relating to the City Clerk and City Attorney"

MEETING DATE: July 6, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1762.

BACKGROUND INFORMATION: Ordinance No. 1762 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 2, 'Administration and Personnel,' of the Lodi Municipal Code by Adding Chapter 2.13 and 2.14 Relating to the City Clerk and City Attorney" was introduced at the regular City Council meeting of June 15, 2005.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.


Susan J. Blackston
City Clerk

SJB/JMP
Attachment

APPROVED: 
Blair King, City Manager

ORDINANCE NO. 1762

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 2, "ADMINISTRATION AND PERSONNEL," OF
THE LODI MUNICIPAL CODE BY ADDING CHAPTERS 2.13 AND
2.14 RELATING TO THE CITY CLERK AND CITY ATTORNEY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Title 2, "Administration and Personnel," of the Lodi Municipal Code is hereby amended by adding thereto Chapter 2.13 relating to the City Clerk and shall read as follows:

CHAPTER 2.13 - CITY CLERK

The City Clerk shall be appointed by the City Council. The City Council shall prescribe the qualifications, additional duties, and compensation of the City Clerk. The City Clerk shall report his or her advice, recommendations, and requests directly to the City Council. The City Clerk is the custodian of the city seal and shall perform the functions and duties of the City Clerk as specified in California Government Code §40801 et seq. and other state and local statutes.

SECTION 2. Title 2, "Administration and Personnel," of the Lodi Municipal Code is hereby amended by adding thereto Chapter 2.14 relating to the City Attorney and shall read as follows:

CHAPTER 2.14 - CITY ATTORNEY


The City Attorney shall be appointed by the City Council and shall serve as legal counsel to the City government and all officers, departments, boards, commissions, and agencies thereof and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the City Council. In situations where the City Attorney determines there is a conflict in representation by that office, the City Council may authorize the retention of other legal counsel to represent one of the conflicting parties. The City Attorney shall report his or her advice, recommendations, and requests directly to the City Council.

SECTION 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 6th day of July, 2005.


JOHN BECKMAN
Mayor

Attest:



SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1762 was introduced at a regular meeting of the City Council of the City of Lodi held June 15, 2005, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held July 6, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson,
Mounce, and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1762 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



SUSAN J. BLACKSTON
City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER
City Attorney